

Subject: Minnesota Statewide Indoor Mask Mandate

Hello everyone,

On behalf of Governor Walz and our Administration, thank you for your participation, honest feedback, and input as the State of Minnesota continues to navigate our response to the COVID-19 pandemic. As business and community leaders across Minnesota, your leadership has been invaluable in helping us navigate this crisis together – and we're grateful for your partnership despite exceptionally difficult circumstances.

I'm reaching out to let you know that today **Governor Walz and Lt. Governor Flanagan will announce a new Executive Order implementing a statewide requirement to wear facial coverings when inside indoor businesses and indoor public settings. This requirement will be effective beginning July 25.**

Facial covering/masking mandates have been implemented in multiple states and countries around the world and have proven effective. A recent study by Goldman Sachs suggests that masking mandates result in a 25% increase in people who "always" or "frequently" wear a mask. That study also showed a masking mandate can help our economy – preventing a 5% GDP loss that would come from additional lockdown measures.

In consultation with the Minnesota Department of Health and business and community leaders, and following recommendations from the CDC and WHO, we believe that requiring masks indoors – paired with social distancing and other safety protocols – will help us continue to slow the spread of COVID-19, keep Minnesotans healthy, and allow businesses to remain open.

We recognize that this shift will raise many questions about enforcement and the responsibilities of businesses to ensure compliance. You can find general information and answers to several FAQs on the masking requirement [here](#), and I've provided answers below to several business-specific questions.

Lastly, to make this work – we need your help. Your support for wearing masks is critical towards ensuring adoption. As respected leaders in your communities, we need your voices to ensure we mask up, so that we can continue to reopen our economy.

We have provided a number of resources to help you share that message – from signs to social media graphics and messaging that you can use in press releases, letters to the editor, and beyond. You can see many of these resources on our [#MaskUpMN website](#).

Thank you again for your leadership to keep Minnesota safe, and keep our recovery moving.

Yours,

Steve

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Steve Grove | Commissioner

he/him/his

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[FAQ for Businesses on Facial Coverings Executive Order](#)

What are the requirements for face coverings at work?

Generally, workers are required to wear a face covering at all times when indoors, when outdoors in situations where social distancing cannot be maintained, or when specific industry guidance has stricter requirements. Please see [Stay Safe Guidance for Businesses and Organizations](#) to find information about specific work industries. Industry-specific requirements that differ from or impose greater requirements than the Executive Order are also summarized at [Face Covering Requirements and Recommendations under Executive Order 20-81](#). Businesses are responsible for clearly communicating the applicable requirements to their workers.

The Executive Order also identifies a number of situations where a face covering may be temporarily removed, such as when a worker is working alone (for example, when in a closed office, a cubicle with walls above face height when social distancing is maintained, or other enclosed space with no other individuals present). In addition, if a worker cannot wear a face covering due to a medical condition, mental health condition, or disability, a business must provide an accommodation to the worker if possible.

Are businesses responsible for requiring that workers, customers, and visitors wear a face covering?

Yes, it is the responsibility of the business to require that its workers, customers, and visitors are wearing face coverings consistent with the provisions of Executive Order 20-81.

Businesses must update their COVID-19 Preparedness Plan to align with the requirements of Executive Order 20-81. Businesses must also communicate to workers and customers that face coverings must be worn when required by the Executive Order—meaning, when indoors, for both customers and workers, and also when outdoors for workers, when social distancing cannot be maintained—unless circumstances allow for the temporarily removal of the face covering. At a minimum, businesses must communicate face covering requirements by clearly posting signage in places that are visible to all workers, customers, and visitors. A best practice would be for businesses to notify customers about face covering requirements through communication while they are making reservations, appointments, or placing orders for pickup.

Where can business owners find masking materials for their storefront?

Digital and print materials related to the #MaskUpMN campaign are available for download on the State of Minnesota's [COVID-19 website](#).

What should a business do when a worker, customer, or visitor claims to be exempt from the face covering mandate?

The Executive Order contains exemptions to the face covering mandate, including for certain medical and mental health conditions and disabilities. When a customer or visitor claims to be exempt due to a medical or mental health condition or disability, businesses may not require proof of the condition or disability or require customers or visitors to explain the nature of their condition or disability. When possible, businesses must provide accommodations to customers and visitors who are unable to wear a face covering (for example, by offering curbside pick-up) and mitigate worker and customer exposure to individuals who are unable to wear a face covering.

If a worker claims to be exempt from face covering requirements, businesses must follow the requirements of applicable laws (including civil rights laws like the Americans with Disabilities Act and the Minnesota Human Rights Act) that relate to verification of a worker's condition or disability. The business should also provide any exempt worker an accommodation to the extent possible. For example, if the worker will interact with customers, visitors, or other workers, the employer could offer the worker the option of wearing a face shield as an alternative. The employer should also consider taking steps to mitigate the worker's interaction with other workers and, if the business is customer-facing, with customers as well.

What should a business do when customers or workers refuse to comply with face covering requirements?

When an employee does not claim a legitimate exemption from face covering requirements (for example, due to a disability) but still refuses to wear a face covering, businesses should take appropriate disciplinary action.

If a customer who does not claim a legitimate exemption refuses to comply with face covering requirements, businesses should assess the situation and determine how best to proceed, using normal procedures for dealing with a difficult customer. Because businesses have an obligation to protect their workers from hazards—including COVID-19 infection—businesses must take steps to mitigate or eliminate the risks posed by a person who refuses to wear a face covering.

Here are some best practices to consider:

- If a customer (or visitor) enters or attempts to enter without a face covering, communicate face covering requirements to the customer, offer the customer a face covering, and request that they put it on.
- If a customer continues to refuse to wear a face covering, decline services to the customer, or request that the customer not enter the premises or leave the premises.
- The business may also offer the customer service alternatives, if available, including curbside pick-up, home delivery, or retrieving merchandise for the customer.
- Based on its assessment of the situation, the business may also determine that there is a need to engage law enforcement to assist.

Nothing in the Executive Order provides businesses with the right to physically restrain or remove a noncompliant person when it would not otherwise be legal to do so. Employees and management should avoid direct enforcement in situations that would put themselves or others at risk of harm and instead consider engaging law enforcement.

Can a worker refuse to perform job duties if a customer is not wearing a face covering?

If workers, acting in good faith, have a reasonable belief that they have been assigned to work in an unsafe and unhealthy manner, they may refuse to perform the job duties assigned if they have requested that the business correct the hazardous conditions.

It is the responsibility of businesses to provide their workers with a safe and healthy workplace. If a customer refuses to wear a face covering, a business needs to take action to mitigate workers' exposure to the customer, while making reasonable efforts to obtain the customer's compliance.

Who provides and pays for the face covering if workers have to wear them?

Businesses are encouraged to provide face coverings for all workers to ensure compliance with the Executive Order. If an employer requires that all workers wear the same uniform face covering, such as one with their business logo on it, they will likely purchase the face covering and provide it to workers. However, the law provides that an employer can deduct from a worker's wages the cost of a uniform so long as it does not reduce the worker's pay below the minimum wage for hours worked. The amount of the deduction for a face covering may not exceed the cost of the face covering to the employer. The maximum deduction for all items that are part of a uniform allowed by law is \$50. If the employer provides the face covering and deducts the cost of the face covering from the worker's wages, the employer must reimburse the worker the full amount deducted for the face covering when the worker's employment ends and the worker returns the face covering to the employer.

If an employer chooses not to provide the face covering, workers are responsible for acquiring their own face covering and wearing it while at work to comply with the Executive Order.

Does a face covering need to meet an employer's "appropriate attire" requirements?

Appropriate attire requirements are developed and enforced by the business and, in some instances, by law. Employees should speak with their employer and review the employer's COVID-19 Preparedness Plan as well as any employee handbook or applicable employer policy.

Can a worker be disciplined by an employer if they wear a face covering even if a wearing a face covering is not required?

No, Executive Order 20-54 provides that an employer cannot discriminate or retaliate against a worker for wearing a face covering that the worker has personally acquired as long as the face covering does not violate industry standards or existing employer policies related to health, safety, or decency.

How will authorities determine if my business is compliant with the face covering mandate?

The Executive Order states that a business is in compliance with the Executive Order if:

1. The businesses' workers are wearing face coverings as required by the Executive Order;
2. The business has updated their COVID-19 Preparedness Plan to address the face covering requirements to align with the requirements of the Executive Order;

3. The business has posted one or more signs visible to all workers, customers, and visitors instructing them to wear face coverings as required by the Executive Order—meaning when indoors (all persons) and, outdoors (workers only) in situations where social distancing cannot be maintained; and
4. The business makes reasonable efforts to enforce the face covering requirements with respect to customers and visitors.

The previous four sections discuss the steps that businesses can take to ensure compliance with the Executive Order.

When assessing a situation involving potential violation of the Executive Order, a local law enforcement agency or state regulatory agency should consider the seriousness of any non-compliance. Factors relevant to the seriousness of the non-compliance include but are not limited to: the number of workers and customers not requiring face covering as required by the Executive Order; how long and how often workers and customers are not wearing face coverings; the consequences of workers and customers not wearing face coverings, including indications the business is associated with the transmission of COVID-19; and the actions taken by the business to prevent and respond to their workers' and customers' non-compliance with face covering requirements.

The objective of any enforcement action will be to achieve compliance with the Executive Order to protect the health of Minnesotans.